

## HCS HB 549 -- SHIPWRECK SITE PROTECTION

SPONSOR: Fraser

COMMITTEE ACTION: Voted "do pass" by the Committee on Conservation and Natural Resources by a vote of 8 to 4.

Currently, a person who wishes to salvage a submerged shipwreck must obtain a permit from the Department of Natural Resources and pay a permit fee. This substitute prohibits the department from issuing the permit without a detailed excavation, conservation, and preservation plan and proof that the applicant has adequate funding for the salvage. The permit applicant is required to be or to hire a professional archaeologist. If the applicant does not fulfill all tasks in the scope of work related to the shipwreck, all items and data regarding the shipwreck are forfeited to the state. The state may not limit visitation to a shipwreck unless there are certain apparent threats. The current permit fee is increased from \$100 to an amount not to exceed \$1,500 to cover the costs incurred by the department.

The substitute specifies a process for professional archaeologists and accredited museums to obtain a permit for a fee of \$100 for research and training and establishes the conditions of the permit. If a shipwreck has been previously, positively identified and located, an exploratory permit is not necessary; and the applicant may apply for a salvage permit. Conditions are also specified for ongoing professional archaeological research and restrictions on shipwrecks located in state parks and historic sites.

The terms "embedded," "historic shipwreck materials," "land beneath navigable waters," "national register," "professional archaeologist," "salvage," and "visitation" are defined.

Persons who knowingly take historic shipwreck materials from state navigable waters or vandalize a shipwreck are guilty of a class A misdemeanor for the first offense and a class D felony for a second or subsequent offense.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the State of Missouri has possession and control of all shipwrecks within the state but no plans or procedures as to what to do with them. The bill provides procedures to excavate the shipwrecks properly.

Testifying for the bill were Representative Fraser; and Mike Dasivich.

OPPONENTS: Those who oppose the bill say that it is poorly written and internally inconsistent. It takes away many landowner property rights with no clarification.

Testifying against the bill were Dr. Rex Walters; and State Historic Preservation Office.

Kristina Jenkins, Legislative Analyst